

REMARKS

Status of the Claims

Claims 1-15 and 17-21 are currently pending in this application. Of these, claims 11-15 and 17-21 are under consideration. Claims 11, 12, 17, and 18 have been amended. New claims 23 and 24 have been added. Thus, upon entry of this amendment, claims 1-15, 17-21, 23, and 24 will be under consideration. These changes are believed to present no new matter. Reconsideration of the application is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

The Examiner has raised the following rejections under 35 U.S.C. § 103(a):

1. Claims 11, 13, 17, and 19 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,591,342 to Akkary et al. ("Akkary") in view of Martinez et al., "Cherry: Checkpoint Early Resource Recycling in Out-of-order Microprocessors" ("Martinez"), and Gopal et al., "Speculative Versioning Cache" ("Gopal").
2. Claims 14 and 20 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Akkary in view of Martinez and Gopal, and further in view of U.S. Patent Application Publication No. 2003/0217251 to Jourdan et al. ("Jourdan").
3. Claims 15 and 21 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Akkary in view of Martinez and Gopal, and further in view of U.S. Patent Application Publication No. 2004/0044881 to Maier et al. ("Maier").

Applicants respectfully traverse each of the above rejections, and request reconsideration and withdrawal of these rejections for at least the following reasons.

Each of the above rejections involves the application of Akkary, which would qualify as prior art under 35 U.S.C. § 102(e). However, Akkary and the present claimed

invention were, at the time the claimed invention was made, owned or subject to an obligation of assignment to the same person (the common assignee). Accordingly, under the provisions of 35 U.S.C. §103(c), Applicants respectfully request that Akkary be disqualified as prior art and that the outstanding rejections be withdrawn.

The first Office Action of February 15, 2006 also rejected the claims for various alleged reasons under 35 U.S.C. § 103(a). Each of these alleged reasons involved the application of Akkary. Thus, as Akkary is no longer applicable, claims 11, 12, 17, and 18 are amended to recite subject matter previously presented before the first Office Action. In addition, new claims 23 and 24 recite subject matter previously recited in canceled claims 16 and 22.

Conclusion

Applicants respectfully submit that all of the stated grounds of rejection have been properly traversed accommodated or rendered moot. Applicants believe that a full and complete response has been made to the outstanding Office Action. However, Applicants hereby reserves the right to make additional arguments regarding distinctions between the claims and the cited references, taken alone or in combination.

Appl. No. 10/724,863
Response October 19, 2006
Reply to Final Office Action of July 19, 2006

The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC

/John A. Harroun/
John A. Harroun, Reg. No. 46,339
Under 37 CFR 1.34(a)

Dated: October 19, 2006

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